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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FIFTH APPELLATE DISTRICT**

In re

DARREN JACK MERENDA,

On Habeas Corpus.

F081151

(Stanislaus Super. Ct. No. 1408049)

**OPINION**

**THE COURT\***

ORIGINAL PROCEEDINGS; petition for writ of habeas corpus.

Douglas D. Maner, for Petitioner.

Xavier Becerra, Attorney General, Michael P. Farrell, Assistant Attorney General,  
and Max Feinstat, Deputy Attorney General, for Respondent.

-ooOoo-

Petitioner seeks permission to file a belated notice of appeal under the doctrine of constructive filing. (*In re Benoit* (1973) 10 Cal.3d 72, 81–82.) The Attorney General filed a response to the request stating that petitioner’s “allegations appear to be sufficient to make a prima facie showing for relief from default[.]”

Accordingly, we conclude petitioner is entitled to relief.

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\* Before Detjen, Acting P.J., Smith, J., and Snauffer, J.

### **DISPOSITION**

The Clerk/Executive Officer of this court is authorized to send a copy of the notice of appeal attached to the petition in the above entitled action to the Clerk of the Stanislaus County Superior Court.

Let a writ of habeas corpus issue directing the Clerk of the Stanislaus County Superior Court to file said notice of appeal in case No. 1408049, to deem said notice of appeal to be timely filed from the judgment entered on August 13, 2019, and to proceed with the preparation of and filing in this court the record on appeal in accordance with the applicable California Rules of Court.

This opinion is final forthwith as to this court.